



DOCKET NO.: RUCC-0046 (98-0087)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Barbara A. Zilinskas; Lynne H. Pitcher;

Confirmation No.: 8791

Subha Lakkaraju

Application No.: 09/743,840

Group Art Unit: 1638

Filing Date: January 17, 2001

Examiner: Georgia L. Helmer

For: AGROBACTERIUM-MEDIATED TRANSFORMATION OF TURFGRASS

DATE OF DEPOSIT: June 25, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: Janet E. Reed  
REGISTRATION NO.: 36,252

☒ Mail Stop AF ☐ Mail Stop Issue Fee  
Commissioner for Patents

P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT  
TO 37 CFR § 1.114

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).

06/30/2004 YPOLITE1 00000153 09743840

02 FC:2251

55.00 OP

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
- ☐ Other: .
- ☒ Enclosed
- ☒ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☒ Other: Declaration of Barbara A. Zilinskas Pursuant to 37 C.F.R. §1.132 with attached *Curriculum Vitae*

## 2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

**FEE CALCULATION:**

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$385.00	\$770.00	\$
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	9	21 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	1	3 (3 MINIMUM)	0	\$43 EACH	\$0	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$0	\$290	\$
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$55.00	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$0	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$0	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$0	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$0	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				Minus	(\$0)	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
TOTAL FEE DUE					\$440.00		\$

- ☒ A check in the amount of **\$440.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$ \_\_\_\_\_.00. This sheet is attached in duplicate.
- ☐ A response to the \_\_\_\_\_ dated \_\_\_\_\_ was due on \_\_\_\_\_. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from \_\_\_\_\_ to and through \_\_\_\_\_ comprising an extension of the shortened statutory period of \_\_\_\_\_ month(s).
- ☒ A Notice of Appeal was filed March 23, 2004. An Appeal Brief is due on May 25, 2004. Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from May 25, 2004 to and through June 25, 2004 comprising a total extension of one month.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: June 25, 2004

  
\_\_\_\_\_  
Janet E. Reed  
Registration No. 36,252

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DOCKET NO.: RUCC-0046 (98-0087)  
Application No.: 09/743840  
Office Action Dated: September 24, 2003

PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Barbara A. Zilinskas et al.

**Confirmation No.:** 8791

**Application No.:** 09/743840

**Group Art Unit:** 1638

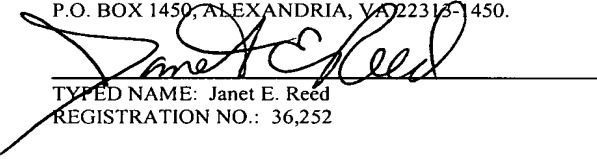
**Filing Date:** January 17, 2001

**Examiner:** Helmer, Georgia L.

**For:** Agrobacterium-Mediated Transformation of Turfgrass

DATE OF DEPOSIT: June 25, 2004

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Alexandria, VA 22313-1450

Sir:

**REPLY PURSUANT TO 37 CFR § 1.116  
AND REQUEST FOR CONTINUED EXAMINATION**

In response to the Official Action dated **September 24, 2003**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page \_\_\_\_\_ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page \_\_\_\_\_ of this paper and include an attached replacement sheet.
- ☒ **Remarks/Arguments** begin on page 4 of this paper.